

Notice of Allowability

Application No.

10/772,370

Examiner

CUONG H. NGUYEN

Applicant(s)

SEN ET AL.

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/24/07 (THE AMENDMENT).
2. ☒ The allowed claim(s) is/are 1-19, these claims were elected for examination on 9/24/07 without traverse; formal drawings are accepted.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☒ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Cuong H. Nguyen
CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the amendment filed on 9/24/2007. Claims 1-19 are elected for examination without traverse; claims 20-38 are not elected for examination on the merit.

Drawings

2. Seventeen sheets of formal drawings submitted on 2/06/2004 are accepted.

Examiner's amendment:

3. An examiner's amendment to the record appears below. Withdrawal claims 20-38 would be canceled for this allowability. Should the changes and additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- Claims 20-38 are now canceled.

Allowable subject matter

4. Independent claim 1 is patentable over the closest references of Teramura Eiji et al. (Japanese publication no. 09-290665) and Niikura Hiroyuki et al. (Japanese publication no. 10-103097), because these documents do not make obvious the pending invention with teaching of:

A system for controlling an internal combustion engine having a plurality of cylinders and mounted on a vehicle, comprising:

an engine operation controller that conducts a switching control of engine operation based on a load of the engine between a full-cylinder operation in which all of the cylinders are operative and a cut-off cylinder operation in which some of the

cylinders are inoperative; wherein the engine operation controller outputs a first signal indicating a state of the switching control;

a running controller that conducts a running control including at least one of a cruise control in which the vehicle runs at a desired vehicle velocity and a preceding vehicle follow-up control in which the vehicle runs at a desired vehicle velocity to maintain a desired inter-vehicle distance from a preceding vehicle, wherein the running controller outputs a second signal indicating a state of the running control; and

an acceleration suppression controller that receives the first and second signals, and conducts an acceleration suppression control if the first signal indicates that the engine operation is switched from the cut-off cylinder operation to the full-cylinder operation and the second signal indicates that the running control is in progress.

5. Claims 2-19 are allowed because they are dependent on allowable claim 1.

Conclusion

6. Claims 1-19 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CUONG H. NGUYEN/
Primary Examiner
Art Unit 3661